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March 28, 2025

VIA ECF

Hon. Analisa Torres
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

BRENDAN M. PALFREYMAN
MEMBER
DIRECT: (315) 214.2161
BPALFREYMAN@HARRISBEACHMURTHA.COM

Re: *Choice Logistics, Inc. v. Premier Value Express, Inc. d/b/a Premier Express*,
Civil Action No. 1:25-cv-02187-AT

Dear Judge Torres:

We represent Plaintiff Choice Logistics, Inc. (“Choice Logistics”) in the above-referenced matter. Please consider this a response to the Court’s Order dated March 27, 2025 (ECF No. 22) seeking a joint status report.

I emailed Mr. Massicotte, president of Defendant Premier Value Express, Inc. (“Premier Express”) at 12:38 p.m. today, March 28, 2025, asking him to please get in touch with me in relation to the joint status report. As of the filing of this letter, he has not responded. Mr. Massicotte did, however, email a representative of Choice Logistics today stating that he is in agreement in principle with the draft settlement agreement that Choice Logistics sent on March 19, 2025, but that he needs more time to execute it. This settlement agreement would resolve not only the request for injunctive relief, but also likely the action as a whole. Accordingly, Choice Logistics respectfully requests one last adjournment of the hearing currently set for March 31, 2025.

In accordance with Your Honor’s Individual Rule I.C, Choice Logistics respectfully requests that the conference set for March 24, 2025 be adjourned for a period of fourteen days, subject to the Court’s schedule.

The original date of the conference was March 24, 2025 and it was previously adjourned to March 31, 2025. The reason for the request is that representatives of Choice Logistics and Premier Express have agreed in principle to a settlement. One prior request for adjournment has been made. Regarding consent, I previously attempted to communicate with Dale Massicotte, President of Premier Express, in relation to this case generally and have received very little response and none since March 18, 2025. In fact, Mr. Massicotte stated in an email to a representative of Choice Logistics that he “will NOT communicate or work with” outside counsel. Regardless, I emailed Mr. Massicotte today asking for his consent to the adjournment. As of the filing of this letter, I have not received a response.

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HARRIS BEACH MURTHA
ATTORNEYS AT LAW

Should the Court have any questions or concerns, please do not hesitate to contact me.

Respectfully submitted,

/s/ Brendan M. Palfreyman
Brendan M. Palfreyman


cc: Counsel of record (via ECF)
Dale Massicotte (via email: d.massicotte@premierexpress.net)

GRANTED. The hearing currently scheduled for March 31, 2025, is ADJOURNED to **April 14, 2025**, at **1:00 p.m.** The hearing shall take place via videoconference. The parties and members of the public are directed to use the same videoconference link and dial-in information previously posted to the docket.

By **April 9, 2025**, the parties shall file a joint status update on settlement. The status update shall address whether the parties intend to proceed with the hearing as scheduled and, if so, whether Defendant, Premier Value Express, Inc., intends to appear at the conference and oppose Plaintiff's application for preliminary relief.

SO ORDERED.

Dated: March 28, 2025
New York, New York



ANALISA TORRES
United States District Judge